

MICHAEL F. RAM (SBN 104805)  
mram@forthepeople.com  
MARIE N. APPEL (SBN 187483)  
mappel@forthepeople.com  
MORGAN & MORGAN  
COMPLEX LITIGATION GROUP  
711 Van Ness Avenue, Suite 500  
San Francisco, California 94102  
Telephone: (415) 358-6913  
Facsimile: (415) 358-6293

RA O. AMEN (pro hac vice)  
Ramen@forthepeople.com  
MORGAN & MORGAN  
COMPLEX LITIGATION GROUP  
201 N. Franklin Street, 7th Floor  
Tampa, Florida 33602  
Telephone: (813) 223-5505  
Facsimile: (813) 223-5402

STEVEN L. NICHOLAS (pro hac vice)  
sln@cunninghambounds.com  
LUCY E. TUFTS (pro hac vice)  
let@cunninghambounds.com  
CUNNINGHAM BOUNDS, LLC  
1601 Dauphin Street  
Mobile, Alabama 36604  
Telephone: (251) 471-6191  
Facsimile: (251) 479-1031

ERIN M. BOSMAN (CA SBN 204987)  
EBosman@mofo.com  
MORRISON & FOERSTER LLP  
12531 High Bluff Drive Suite 100  
San Diego, California 92130-2040  
Telephone: 858.720.5100  
Facsimile: 858.720.5125

PENELOPE A. PREOVOLOS (CA SBN 87607)  
PPreovolos@mofo.com  
CLAUDIA M. VETESI (CA SBN 233485)  
CVetesi@mofo.com  
ALEXIS A. AMEZCUA (CA SBN 247507)  
AAmezcu@mofo.com  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: 415.268.7000  
Facsimile: 415.268.7522

Attorneys for Defendant  
APPLE INC.

[Additional Counsel on Signature Page]

Attorneys for Plaintiffs and Putative Class

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

CHRIS SMITH, CHERYL SMITH, KAREN  
SMITHSON, FRANK ORTEGA, ALBERTO  
CORNEA, MICHELLE ROGERS,  
DEBORAH CLASS, AMBER JONES,  
ALEXIS KEISER, LOORN SAELEE,  
THOMAS PEAR and TANNAISHA  
SMALLWOOD, individually and on behalf of  
all other similarly situated individuals,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No. 4:21-cv-09527 HSG

**JOINT STIPULATION TO EXTEND  
MEDIATION DEADLINE AND  
ORDER**

Dept.: Courtroom 2 – 4th Floor  
Judge: Hon. Haywood S. Gilliam, Jr.

Second Am. Compl. Filed: March 17, 2023

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs in the above-captioned action *Smith v. Apple, Inc.*, No. 4:21-cv-09527 HSG (N.D. Cal.) and Defendant Apple Inc. (“Apple”) file this stipulation, by and through their undersigned counsel, to extend the mediation deadline set forth in the February 8, 2023 Amended Scheduling Order (ECF No. 78).

WHEREAS, the parties have been engaged in discovery since the parties last addressed the case schedule with the Court at the February 7, 2023 Case Management Conference, including both parties’ discovery responses, voluminous document productions, and extensive meet-and-confer;

WHEREAS, the parties began inspecting named Plaintiffs’ devices in June 2023 but were required to reschedule the remaining inspections due to an unforeseeable scheduling conflict with the neutral expert;

WHEREAS, the remaining device inspections are currently underway, and the parties agree that depositions cannot occur until after the device inspections are completed and the resulting inspection data is evaluated;

WHEREAS, the mediation deadline is currently set for August 7, 2023, the parties have met and conferred, and agree that mediation will be most productive after the parties have completed inspection of the named Plaintiffs’ devices and depositions;

WHEREAS, the parties have only previously requested to modify the operative case schedule once (ECF No. 75);

WHEREAS, the parties have conferred and, subject to the Court’s approval, mutually stipulate to extend the mediation deadline as follows:

Event	Current Deadline	Proposed Deadline
Mediation Deadline	August 7, 2023	November 7, 2023

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2  
3 Dated: August 4, 2023

MORRISON & FOERSTER LLP

4  
5 By: /s/ Claudia M. Vetesi  
CLAUDIA M. VETESI

6 Attorneys for Defendant  
7 APPLE INC.

8 Dated: August 4, 2023

CUNNINGHAM BOUNDS, LLC

9  
10 By: /s/ Lucy E. Tufts  
LUCY E. TUFTS (*pro hac vice*)

11 STEVEN L. NICHOLAS (*pro hac vice*)  
12 sln@cunninghambounds.com  
13 LUCY E. TUFTS (*pro hac vice*)  
14 let@cunninghambounds.com  
15 CUNNINGHAM BOUNDS, LLC  
16 1601 Dauphin Street Mobile, Alabama  
17 36604 Telephone: (251) 471-6191  
18 Facsimile: (251) 479-1031

19 MICHAEL F. RAM (SBN 104805)  
20 mram@forthepeople.com  
21 MARIE N. APPEL (SBN 187483)  
22 mappel@forthepeople.com  
23 MORGAN & MORGAN COMPLEX  
24 LITIGATION GROUP  
25 711 Van Ness Avenue, Suite 500  
26 San Francisco, California 94102  
27 Telephone: (415) 358-6913  
28 Facsimile: (415) 358-6293

RA O. AMEN (*pro hac vice*)  
Ramen@forthepeople.com  
MORGAN & MORGAN COMPLEX  
LITIGATION GROUP  
201 N. Franklin Street, 7th Floor  
Tampa, Florida 33602  
Telephone: (813) 223-5505  
Facsimile: (813) 223-5402

BENJAMIN H. KILBORN, JR. (*pro hac vice*)  
benk@kilbornlaw.com  
KILBORN LAW, LLC  
P.O. Box 2164

Fairhope, Alabama 36533  
Telephone: (251) 929-4623

Attorneys for Plaintiffs  
Chris Smith, Cheryl Smith, Karen  
Smithson, Frank Ortega, Alberto Cornea,  
Michelle Rogers, Deborah Class, Amber  
Jones, Alexis Keiser, Lorn Saelee,  
Thomas Pear, and Tannaisha Smallwood

**ECF ATTESTATION**

I, Claudia M. Vetesi, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Lucy E. Tufts has concurred in this filing.

Dated: August 4, 2023

MORRISON & FOERSTER LLP


By: /s/ Claudia M. Vetesi  
CLAUDIA M. VETESI

Attorneys for Defendant  
APPLE INC.

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 8/7/2023

  
Hon. Haywood S. Gilliam, Jr.  
United States District Judge